

MINUTES
Zoning Board of Appeals
Linda O'Brien, Chairperson
June 9, 2022

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday, June 9, 2022, in Room 403 of the Peoria County Courthouse, 324 Main Street, Peoria, Illinois. The meeting was called to order by Chairperson Linda O'Brien, at 8:55 a.m.

PRESENT: Linda O'Brien – Chairperson, Rob Asbell, Chris Duncan, Stephen Pollack, Randy Weber

ABSENT: J. Greg Fletcher, Greg Happ, Justin Brown, John Harms

STAFF: Kathi Urban – Director
Taylor Armbruster – Planner I
Dana Hughes – Assistant State's Attorney/Civil
Sarah Cox – ZBA Administrative Assistant

Mr. Asbell made a motion to approve the minutes from the May 12, 2022, hearing and was seconded by Mr. Duncan. A vote was taken, and the motion passed; (5-0)

Mr. Asbell made a motion to approve the amended minutes from the April 14, 2022, hearing and was seconded by Mr. Duncan. A vote was taken, and the motion passed; (5-0)

Mr. Duncan made a motion to approve the nomination of J. Greg Fletcher as Vice Chairperson and was seconded by Mr. Weber. A vote was taken, and the motion passed; (5-0)

Ms. O'Brien welcomed the new members, Randy Weber and Stephen Pollack, to the Board.

Case No. **ZBA-2022-027** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **DAVID STARK, JR. acting on behalf of DGS PROPERTIES, LLC (A limited liability company, David Stark, Jr., Gregory Stark, and Sarah Stark – authorized agents, of 1805 W. Washington St., Bloomington, IL 61701)** a **VARIANCE** request from Section 20-6.11.3.2.d.1 of the Unified Development Ordinance, which requires a side setback of 20 feet for principal structures in the "I-1" Light Industrial Zoning District. The petitioner proposes to construct a building addition at a distance of 5 feet from the southern side setback, resulting in a variance request of 15 feet.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in *The Peoria Journal Star* on May 20, 2022. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (River Freight and Environmental Corridor). The site plan and three videos of the property were shown. The property is zoned "I-1".

Sam LaHood of Austin Engineering, 311 SW Water Street, Peoria, IL was sworn in. Mr. LaHood stated that they were there to request the reduced side setback. He stated that the property is owned by DGS Properties, which also owns Stark Excavating, a construction company. They have hundreds of pieces of equipment that require maintenance and they don't currently have the capacity to maintain the equipment. They have proposed to add two garages. The side setback is actually at the rear of the building. To the south is a large detention facility for the regional upstream tributary area that flows through. DGS is the owner of the adjacent parcel as well, and there is no way that that lot can change.

Ms. O'Brien asked if there were any questions from the Board. Mr. Duncan asked if there had been any objections. Ms. Urban stated that there had not. Ms. O'Brien stated that she has no issues with the request.

Ms. O'Brien asked if there was anyone that wanted to speak for or against the petition, and there was no one.

Mr. Asbell made a motion to close and deliberate and was seconded by Mr. Weber. A vote was taken, and the motion passed; (5-0)

FINDINGS OF FACT FOR VARIANCES

Section 20-3.7.3

The findings of the ZBA or the Zoning Administrator shall be based on data submitted pertaining to each standard in this Subsection as it relates to the development. A variance shall be granted only if the applicant demonstrates:

1. That the plight of the owner is due to unique circumstances;
 - The petitioner is proposing to construct a building addition at a distance of 5 feet from the southern setback, resulting in a variance request of 15 feet. The proposed addition would be located on the rear of the existing building, which is the only external side that is unobstructed by utilities and infrastructure. A subdivision detention basin is located on the east side property line, a garage has been added to the west side of the building and the front of the building is used for entrance, making adding--on to these areas impossible. In addition, the internal layout of the existing building makes the rear area the only practical location for the addition.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The parcel is 2.17 acres, and the current land use is zoned I-1 Light Industrial. The surrounding areas to the north, south, east, and west are all zoned Industrial as well. The variation would have no impact on the essential character of the locality.
3. That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out;
 - Due to the physical surroundings of the property, as well as the shape and topographical conditions of the building/property, if the variance request were denied, the petitioner would be unable to construct an addition on his existing building which is vital in order to house and maintain construction equipment. This would result in a hardship. Refer to #1.

4. That the conditions upon which the petition for a variation are based are unique to the property for which the variance is sought and are not applicable, generally, to other property;
 - Refer to #1 and #3.
5. That the granting of the variation will not be detrimental to the public health, safety, comfort, morals, and welfare, or injurious to other property or improvements in the neighborhood in which the property is located, or otherwise be inconsistent with any officially adopted County plan or these regulations;
 - Granting of the variance will not be detrimental to the public health, safety, comfort, morals and welfare of the neighborhood, nor be injurious to other property or improvements in the neighborhood. Granting of the variance would not be inconsistent with any adopted County plan or regulations.
6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood;
 - Granting of the variance will not affect the supply of light and air to adjacent properties, will not increase congestion in the public streets and will not increase the danger of fire or endanger public safety. Granting of the variance will have no impact on property values within the neighborhood.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The petitioner has stated the 15 ft requested variance is the minimum adjustment necessary in order to construct the proposed addition.
8. That aforesaid circumstances or conditions are such that the strict application of the provisions of this Section would deprive the applicant of reasonable use of his or her land.
 - Taking into consideration the aforementioned circumstances and conditions, if the variance were not granted the applicant would be denied reasonable use of his land.

Mr. Duncan made a motion to approve the findings of fact and was seconded by Mr. Weber. A vote was taken, and the motion passed; (5-0)

Mr. Asbell made a motion to approve the request and was seconded by Mr. Weber. A vote was taken, and the motion passed; (5-0)

Case No. **ZBA-2022-028** at 9:00 a.m. Hearing to be held in Room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **KIM A. DERENZY, acting on behalf of KIM A. AND DEBBIE DERENZY (owners), a VARIANCE** request from Section 20-5.13.3.3 of the Unified Development Ordinance, which requires that for lots and parcels used for residential purposes in the A-1 or A-2 Agricultural Districts which are five (5) acres or less and which are not in platted subdivisions, the total floor area of any accessory building shall not exceed one thousand three hundred (1,300) square feet, plus three hundred (300)

square feet per acre. The petitioner proposes to construct a 3,024 square feet accessory structure in the “A-2” Agriculture Zoning District, which would exceed the allowable total floor area of 2200 square feet, resulting in a variance request of 824 square feet. Also, a Variance request from Section 20-6.3.2.1.c.1 of the Unified Development Ordinance, which requires a road setback of forty (40) feet from the right-of-way or one hundred (100) feet from the center of the right-of-way, whichever distance is greater. The petitioner proposes to construct an accessory structure at a distance of 91 feet from the center of the right-of-way, resulting in a variance request of 9 feet.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in *The Peoria Journal Star* on May 20, 2022 and *The Weekly Post* on May 19, 2022. Taylor Armbruster gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture Preservation). The site plan and two videos of the property were shown. The property is zoned “A-1”.

Kim DeRenzy of 11602 W Brimfield-Jubilee Rd, Princeville, IL. Mr. DeRenzy stated that he and his wife would like to construct a pole building to house their antique vehicles and lawn equipment. He stated that they recently moved to the area from Kickapoo, where they had a two stall garage and a 30’ x 40’ building. Now they only have a two stall garage and that is why they are requesting the bigger building. The location chosen is the best because of the slope, location of timber, and the location of the septic tank. Access will be from current drive and no new access from the highway will be necessary.

Mr. Asbell asked what the size of the proposed building would be. Mr. DeRenzy stated that it will be 42’ x 72’.

Mr. Weber stated that Mr. DeRenzy is a friend of his, but it will have no bearing on his decision.

Ms. O’Brien asked if there were any questions from the Board and there were none. Ms. O’Brien asked if there was anyone that wanted to speak for or against the petition, and there was no one.

Mr. Weber made a motion to close and deliberate and was seconded by Mr. Asbell. A vote was taken, and the motion passed; (5-0)

FINDINGS OF FACT FOR VARIANCES

Section 20-3.7.3

The findings of the ZBA or the Zoning Administrator shall be based on data submitted pertaining to each standard in this Subsection as it relates to the development. A variance shall be granted only if the applicant demonstrates:

1. That the plight of the owner is due to unique circumstances;
 - The petitioner is proposing to construct a 3,024 ft accessory structure in the A-2 Agricultural Zoning District, which would exceed the total floor area of 2,200 square feet, resulting in a variance request of 824 square feet. In addition, the petitioner is proposing to construct the-ntpsse€1 accessory building at a distance of 91 feet from the center right-of-way, resulting in a variance request of 9 feet. The petitioner has stated the parcel is heavily wooded on the east side, and the septic field is located on the south side, leaving the northwest side of the property the only viable location for building. He has also stated building closer to the road

would alleviate the need to haul in dirt due to the steep drop-off in the area, and in addition would not block the neighbor's satellite dish.

2. That the variation, if granted, will not alter the essential character of the locality;
 - The parcel is 3.029 acres, and the petitioner has stated the pole building will match the existing buildings on the property. The requested variance will not alter the essential character of the locality.
3. That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out;
 - The petitioner has stated the pole building is needed to house a boat, trailer, side-by-side, antique cars, and skid-steer for safety purposes and to keep the property in good order. A hardship would result to the owner if the variances were denied. Refer to #1 for physical surroundings and topographical conditions of said property.
4. That the conditions upon which the petition for a variation are based are unique to the property for which the variance is sought and are not applicable, generally, to other property;
 - Refer to #1.
5. That the granting of the variation will not be detrimental to the public health, safety, comfort, morals, and welfare, or injurious to other property or improvements in the neighborhood in which the property is located, or otherwise be inconsistent with any officially adopted County plan or these regulations;
 - Granting of the variance will not be detrimental to the public health, safety, comfort, morals and welfare of the neighborhood, nor be injurious to other property or improvements in the neighborhood. Granting of the variance would not be inconsistent with any adopted County plan or regulations.
6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood;
 - The proposed variation will not affect light and air supply to the adjacent property, will cause no congestion in the streets and will not increase the danger of fire or endanger public safety. Property values in the area will not be diminished or impaired.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - The petitioner has stated that the requested variances are the minimum adjustments necessary for the reasonable use of his land.
8. That aforesaid circumstances or conditions are such that the strict application of the provisions of this Section would deprive the applicant of reasonable use of his or her land.
 - Taking into consideration the aforementioned circumstances, denial of the variance would deprive the petitioner reasonable use of his land.

APROVED 07/14/2022

Mr. Weber made a motion to approve the findings of fact and was seconded by Mr. Duncan. A vote was taken, and the motion passed; (5-0)

Mr. Asbell made a motion to approve the request and was seconded by Mr. Duncan. A vote was taken, and the motion passed; (5-0)

Mr. Asbell made a motion to adjourn and was seconded by Mr. Duncan. A vote was taken, and the motion passed; (5-0)

Meeting adjourned at 9:21 a.m.

Respectfully submitted,

Sarah Cox
ZBA Administrative Assistant